IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8643 of 2004

Between:

Avilala Anandadu, S/o.Venkatappa, Aged 51 years, Driver,

E.87200, APSRTC, Tirupathi - II Depot, Residing at 19-8-66/E,

Yadava Colony, Tirupathi.

..... PETITIONER

AND

1. Vice Chairman & Managing Director, APSRTC,

Musheeraabad, Hyderabad.

2. The Depot Manager, APSRTC, Tirupathi-II Depot, Alipiri, Tirupathi.

3. Regional Manager, APSRTC, Tirupathi Region, Chittoor

4. Chairaman-cum-Presiding Officer, Industrial Tribunal-

cum-Labour Court, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially in the nature of writ of Mandamus declaring the action of the respondents 2 & 3 in not considering the legal notice dated 11.8.2003 issued by the petitioner's advocate and not fixing the salary of the petitioner for the period from 22.5.1990 to 30.5.2001 from the date of termination till the date of reinstatement and the difference for

the duty period till now and failing to make payment of the same is arbitrary, illegal, against the rules, contrary to the law and violative of Article 14 of the Constitution of India consequently directing the respondents 1 to 3 to re-fix the pay and allowances of the petitioner w.e.f. 22.5.1990 till now and make payment of the same immediately in the interest of justice and pass such other order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.K.CHAKRAVARTHY

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

O R D E R

This writ petition is filed seeking a mandamus declaring the action of the respondents 2 and 3 in not considering the legal notice dated 11.08.2003 issued by the petitioner's advocate and not fixing the salary of the petitioner for the period from 22.05.1990 to 30.05.2001 from the date of termination till the date of reinstatement and the difference of wages etc, as arbitrary and illegal.

Learned counsel for the respondents-Corporation placed orders dated 23.04.2003 passed in Writ Appeal No.626 of 2003, which attained finality, wherein the writ appeal filed by the Management was allowed and it was held that the petitioner herein is entitled only for increments on notional basis. Therefore, in view of the orders in the Writ Appeal, the salary of the petitioner was re-fixed. So far re-fixation of the salary of the petitioner pursuant to the order in Writ Appeal is concerned, it is not under challenge. In spite of that, this writ petition is filed seeking sanction of notional increments and payment of arrears from 22.05.1990 to 30.05.2001 (i.e.) the period during which the period was out of service, purported to be under an award passed by the Labour Court, which attained finality in the writ appeal. Therefore, the writ petition is misconceived.

Learned counsel for the petitioner states that the facts as to filing of writ petition and the judgment in the writ appeal were not brought to his notice when the present writ petition was filed. In view of the above, the petitioner is not entitled for any relief and requests that the writ petition be permitted to be withdrawn. In the above circumstances, permission is accorded and the writ petition is dismissed as withdrawn.

JUSTICE C.V.RAMULU

2nd DECEMBER, 2004

PGS

To

1. The Depot Manager APSRTC Narayankhed Depot,

Narayankhed, Medak District.

2. The Divisional Manager, APSRTC Medak Division,

Sanga Reddy, Medak District.

3. Chief Inspector (Enquiries) Regional Manager's Office
APSRTC, Medak Region, Sanga Reddy, Medak District.

THE HONOURABLE SRI JUSTICE

C.V.RAMULU

WRIT PETITION NO.8643 OF 2004

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